

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

GRAY DENTAL CARE, PC,)	
)	
Plaintiff,)	
)	
v.)	NO:
)	
STATE FARM FIRE AND CASUALTY)	
COMPANY)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL

Defendant, State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice that it is removing this civil action from the Circuit Court for Davidson County, Tennessee to the United States District Court for the Middle District of Tennessee at Nashville.

1. On September 12, 2013, Plaintiff Gray Dental Care, PC (“Gray Dental”), commenced this civil action against Defendant State Farm in the Circuit Court for Davidson County, Tennessee, Case No. 13C3697. The Complaint and Summons were served upon State Farm on or about September 18, 2013. Attached hereto is as **Exhibit A** is a copy of the entire contents of the state court file, including the complaint and summons. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.

2. Upon information and belief, Plaintiff Gray Dental is a Tennessee professional corporation. It further allege damages for property damage, including repair and as the result of an alleged sinkhole-related loss to its property located at 625 Berry Road, Nashville, Tennessee,

37204. Plaintiff further alleges that State Farm acted in bad faith and requests recovery of bad faith damages.

3. Upon information and belief, the damages alleged by Plaintiff exceed \$75,000, along with Plaintiff's alleged statutory bad faith penalty of 25%.

4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.

5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between the Plaintiff and the Defendant.

6. This notice of removal is being filed within thirty days of September 18, 2013, the date on which the summons and Complaint were first served on State Farm. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.

7. Pursuant to 28 U.S.C. § 1446(d), defendant will promptly give notice of this notice of removal to the Clerk of Davidson County Circuit Court and to counsel for Plaintiff in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.

8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the Davidson County Circuit Court be discontinued and that this action be removed in its entirety to the United States District Court for the Middle District of Tennessee at Nashville.

Respectfully submitted this 7th day of October, 2013.

PAINE, TARWATER, and BICKERS, LLP

/s/ Matthew J. Evans

Matthew J. Evans (BPR #017973)

Katherine S. Goodner (BPR # 030499)

2200 Riverview Tower

900 South Gay Street

Knoxville, TN 37902

(865) 525-0880

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via U.S. Mail, postage prepaid, upon the following:

Sonya S. Wright
Hagan & Farrar, PLLC
106 N. Church Street
Murfreesboro, TN 37130
Counsel for Plaintiff

Joshua E. Burnett
Marshall Thomas Burnett
200 North Pierce Street, First Floor
Tampa, Florida 33602
Counsel for Plaintiff

This the 7th day of October 2013.

/s/ Matthew J. Evans